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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,704	06/24/2005	Declan Patrick Kelly	NL 021501	2406

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EXAMINER

CHOKSHI, PINKAL R

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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06/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,704	Applicant(s) KELLY ET AL.	
	Examiner PINKAL CHOKSHI	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/22/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 above. Claim 5 is claiming a computer program and a program itself cannot be patented.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-5** are rejected under 35 U.S.C. 102(b) as being anticipated by US Publication 2002/0016962 A1 to DeCarmo et al (hereafter referenced as DeCarmo).

Regarding **claim 1**, “a method of controlling, from an information carrier player (101), a user access to an information carrier (105) and to a server (103)” reads on the digital signal playback apparatus that controls access to a digital cable and DVD in DVD disk drive using rating manager (abstract and ¶0030)

disclosed by DeCarmo and represented in Figs. 1 and 2 (elements 202, 210, 218). As to “said information carrier (105) being associated with a preset parental control level (DVD_PCL)” DeCarmo discloses (§0044) that the information carrier such as DVD contains multiple parental control levels and based on the parental control level set by rating manager, it either enables or disables the video contents. As to “said information carrier player (101) being associated with a current parental control level (Current_PCL_i)” DeCarmo discloses (§0044) that the rating manager in an apparatus sets the parental control for all the input devices. As to “said server (103) being intended to contain data associated with a rating level (RL)” DeCarmo discloses (§0044) that the input device such as digital broadcast cable, exchanges its ratings information with the rating manager.

As to “said method of controlling comprising: a first switching step (104) controlled by a first control signal derived from a first comparison between said current parental control level (Current_PCL_i) and said preset parental control level (DVD_PCL), for authorizing or not the access to said information carrier (105)” DeCarmo discloses (§0044) that the rating manager informs the DVD system about the preferred parental control. System matches preferred parental control with DVD's parental control and it enables/disables the video contents of DVD based on the set parental control level.

As to “a second switching step (107) controlled by a second control signal (108) derived from a second comparison between said current parental control

level (Current_PCL_i) and said rating level (RL), for authorizing or not the access to said data” DeCarmo discloses (¶0031, ¶0043 and ¶0044) that the rating manager exchanges its rating information with digital broadcast cable and after authenticating rating level of video streams with set parental control level, it either grants or denies access to video streams.

Regarding **claim 2**, “a method comprising a preliminary look-up table step (112) for generating, from said rating level (RL), a modified rating level (RL') intended to be used for said second comparison” DeCarmo discloses (¶0045-¶0058) that the each input video stream must register with rating manager where registration process communicates information such as violence level, sexual level, adult language, etc to the rating manager. Based on this information, rating manager performs a series of checks against its own database before granting access to the data stream.

Regarding **claim 3**, “an information carrier player (101) intended to read an information carrier (105) which is associated with a preset parental control level (DVD_PCL), and to control a user access to a server (103) intended to contain data associated with a rating level (RL), said information carrier player (101) being associated with a current parental control level (Current_PCL_i)” reads on the digital signal playback apparatus that controls access to a digital cable and DVD in DVD disk drive using rating manager (abstract and ¶0030)

disclosed by DeCarmo and represented in Figs. 1 and 2 (elements 202, 210, 218). DeCarmo further discloses (§0044) that the information carrier such as DVD contains multiple parental control levels and based on the parental control level set by rating manager, it either enables or disables the video contents. Rating manager in an apparatus sets the parental control for all the input devices such as digital broadcast cable which exchanges its ratings information with the rating manager.

As to “player comprising: first switching means (104) controlled by a first control signal derived from a first comparison between said current parental control level (Current_PCL_i) and said preset parental control level (DVD_PCL), for authorizing or not the reading of said information carrier (105)” DeCarmo discloses (§0044) that the rating manager informs the DVD system about the preferred parental control. System matches preferred parental control with DVD’s parental control and it enables/disables the video contents of DVD based on the set parental control level.

As to “second switching means (107) controlled by a second control signal (108) derived from a second comparison between said current parental control level (Current_PCL_i) and said rating level (RL), for authorizing or not the access to said data” DeCarmo discloses (§0031, §0043 and §0044) that the rating manager exchanges its rating information with digital broadcast cable and after authenticating rating level of video streams with set parental control level, it either grants or denies access to video streams.

Regarding **claim 4**, “an information carrier player (101) comprising look-up means (112) for generating, from said rating level (RL), a modified rating level (RL') intended to be used for said second comparison” DeCarmo discloses (¶¶0045-¶¶0058) that the each input video stream received from digital broadcast cable must register with rating manager where registration process communicates information such as violence level, sexual level, adult language, etc to the rating manager. Based on this information, rating manager performs a series of checks against its own database before granting access to the data stream.

Regarding **claim 5**, office assumes a computer program stored on a computer readable medium and processes the claim. As to “a computer program comprising code instructions for implementing the steps of the above method” DeCarmo discloses (¶¶0173) that his invention is implemented as a series of computer instructions or computer program on computer readable medium.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - US Patent 6,662,365 B1 to Sullivan et al discloses a system for controlling parental control subsystems within an entertainment system.

- US Publication 2003/0115592 A1 to Johnson et al discloses an apparatus for selecting rating limits in a parental control system.
- US Patent 6,567,979 B1 to DeCarmo et al discloses an apparatus for enforcing DVD parental control across an enterprise.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PRC/

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/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2623